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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,512	12/01/2004	Carol Hobon	262017US6PCT	6972
22850	7590	06/25/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER SIMONE, CATHERINE A	
			ART UNIT	PAPER NUMBER
			1794	
			NOTIFICATION DATE	DELIVERY MODE
			06/25/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/516,512	Applicant(s) HOBON ET AL.	
	Examiner Catherine Simone	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-30 is/are pending in the application.
- 4a) Of the above claim(s) 24-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-23 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/1/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group I, claims 16-23 and 30 in the reply filed on 5/7/2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 24-29 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on 5/7/2008.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 23 is rejected under 35 U.S.C. 102(b) as being anticipated by Taplan (US 2002/0023915 A1).

5. Taplan teaches a plate, particularly a glass-ceramic plate, configured in particular to cover heating elements comprising at least one bevel following a raised portion (Figs. 1-4, portion 5).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 16-22 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taplan (US 2002/0023915 A1).

Regarding claims 16 and 30, Taplan teaches a cooking device comprising a plate, particularly a glass-ceramic plate, configured in particular to cover heating elements comprising at least one bevel (Figs. 1-4, portion 5). However, Taplan fails to specifically teach the bevel being 35 mm or more wide. Taplan teaches a glass-ceramic plate used for a kitchen appliance, especially a cook top or bake surface which has a safe edge (paragraph 0001), which is similar to that of the present invention. An ordinarily skilled artisan would have recognized that providing a bevel with a width of 35 mm or more was a workable option from the teachings in Taplan because Taplan teaches the glass-ceramic plate being used for a kitchen appliance, especially a cook top or bake surface which has a safe edge, similar to that of the present invention. It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the bevel in Taplan with a width of 35 mm or more in order to form a suitable glass-ceramic plate useful for a kitchen appliance and since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art in absence of showing unexpected results. MPEP 2144.05 (II).

8. Regarding claim 17, the limitation “the at least one bevel is configured to receive one or more mechanisms configured to control the heating elements” has been considered, but does not provide a patentable distinction over the prior art, due to the fact that it is a recitation of the intended use of the claimed invention and a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Taplan teaches the structure of the glass-ceramic plate as shown above and therefore is capable of performing the intended use as recited in claim 17.

9. Regarding claim 18, the at least one bevel follows a raised portion (Figs. 1-4, portion 5), and a thickness of the plate at a top of the raised portion is inherently less than or equal to twice a standard thickness of the plate (Figs. 1-4 and paragraph 0026).

10. Regarding claim 19, note a thickness of at least 2 mm is left in the plate at a lowermost point of the at least one bevel (paragraph 0026).

11. Regarding claim 20, note the plate has one side bearing the at least one bevel and an opposite side remains approximately flat and smooth (Figure 2).

12. Regarding claim 21, Taplan fails to specifically teach a ratio of width of the at least one bevel to a height of the at least one bevel being less than 23.3. An ordinarily skilled artisan would have recognized that providing a ratio of width of the at least one bevel to a height of the at least one bevel being less than 23.3 was a workable option from the teachings in Taplan because Taplan teaches a glass-ceramic plate used for a kitchen appliance, especially a cook top or bake surface which has a safe edge. It would have been obvious to one of ordinary skill in the

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art at the time the applicant's invention was made to have provided the plate in Taplan with a ratio of width of the at least one bevel to a height of the at least one bevel being less than 23.3 in order to form a suitable glass-ceramic plate useful for a kitchen appliance and since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art in absence of showing unexpected results. MPEP 2144.05 (II).

13. Regarding claim 22, note the at least one bevel follows a raised portion (Figs. 1-4, portion 5), the at least one bevel extending over at least one of a part of a width of the raised portion and a part of a width of the plate outside the raised portion (Figs. 1-4).

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (571) 272-1501. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached on (571) 272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Catherine Simone/
Examiner, Art Unit 1794

June 18, 2008

/KEITH D. HENDRICKS/
Supervisory Patent Examiner, Art Unit 1794